

ELECTION AND REMARKS

In the Office Action, the Examiner indicated that the Applicant must elect a single embodiment/species for prosecution. The Examiner identified the following Groups/embodiments/species:

- I. Claims 1-28, drawn to a shoe with a sensor, controller and active response element, classified in class 36, subclass 29; and
- II. Claims 29-38, drawn to a method of determining changes in a shoe, classified in class 73, subclass 172.

For continuing the prosecution on the merits, Applicant elects Group I, claims 1-28, drawn to a shoe with a sensor, controller and active response element.

Consequently, claims 29-38 have been cancelled from consideration on the patentability of the elected subject matter. However, Applicant reserves the right to file one or more divisional applications directed to any subject matter not claimed in the current application.

Conclusion

Based on the remarks set forth above, Applicant believes that the claims of the subject application are acceptable for consideration on the merits. Should the Examiner have any further concerns or believe that a discussion with Applicant's attorney would further the prosecution of this application, the Examiner is encouraged to call the attorney at the number below.

No fee is believed to be due for this submission. However, if a fee is required, please charge the required fee to Acushnet Company Deposit Account No. 502309.

Respectfully submitted,



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6-26-06
Date

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